IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33509 of 2007(L)

PETITIONER:

P.V.JOSE, PALAKKAL HOUSE, VALIYAKULAM,
UDAYAMPEROOR, ERNAKULAM (DT).

BY ADV. SMT.K.V.BHADRA KUMARI

RESPONDENTS:
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1. **DEPUTY GENERAL MANAGER (H.R),**
   INDIAN OIL CORPORATION LTD.,
   MARKETING DIVISION, SOUTHERN REGION,
   INDIAN OIL BHAVAN, 139, NUNGUMBAKKAM HIGH ROAD,
   CHENNAI.

2. **INDIAN OIL CORPORATION,**
   REPRESENTED BY ITS GENERAL MANAGER,
   HEAD OFFICE AT BOMBAY.

BY ADV. SRI. A.M. SHAFFIQUE, SC, I.O.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

V.GIRI,J.

W.P (C) No. 33509 of 2007

Dated this the 14th November, 2007

J U D G M E N T

Petitioner who retired as Foreman from the 2nd respondent Corporation on 31.5.2007 on superannuation had earlier moved the Corporation for change in the date of birth as entered in the service records. According to him, correct date of birth is 3.5.1949. But it was wrongly noted as 3.5.1947 in the Birth Certificate issued by the Secretary and Registrar of Births and Deaths. He moved the Sub Divisional Magistrate for correction of date of birth. Thereafter, in 1995 he sought for a correction of date of birth in the service records. This was rejected. There was a plea for revision of the decision and ultimately this Court was moved in W.P (C) 7615/2005. By Exhibit-P5 judgment petitioner's claim was repelled finding that the petitioner's contention cannot be accepted. Petitioner preferred an appeal as W.A. No. 1885/2007. The Division Bench of this Court found that there is no infirmity in the view expressed by the learned Single Judge. But nevertheless, the petitioner, if so advised, was permitted to move the higher authorities. In pursuance thereto petitioner moved Exhibit -P7 representation which has been

considered in detail and rejected under Exhibit-P8. In Exhibit-P8, the 2nd respondent has taken note of the fact that the plea for change in the date of birth cannot be considered after completion of so many years of service and this had been communicated to the petitioner earlier. There are no circumstances warranting change in the date of birth.

After having heard the learned counsel for the petitioner and the learned Standing Counsel, I am of the view that the stand taken by the respondents cannot be said to be infirm or otherwise illegal. Petitioner's claim was concluded in Exhibit-P5 judgment and what was permitted under Exhibit-P6 was a facility for the petitioner to move the authorities. The 2nd respondent considered the petitioner's claim and it was found that there is no reason to take a different decision. I do not find any merit in this writ petition and the same is dismissed.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007